

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ESTATE OF JAMES FRANKLIN PERRY,
by Nathaniel Cade, Jr., Special
Administrator, and JFP, JR., a minor,

Plaintiffs,

v.

Case No. 12-CV-664-JPS

CHERYL WENZEL, DEPUTY
KICKBUSH, NICOLE VIRGO, TINA
WATTS, SGT. FATRENA HALE, DAVID
A. CLARKE, JR., KELLY KIECKBUSCH,
LT. ABIE DOUGLAS, ANTHONY
ARNDT, SHEILA JEFF, DARIUS
HOLMES, RICHARD E. SCHMIDT,
RICHARD LOPEZ, FRANK SALINSKY,
STEPHON BELL, MARGARITA DIAZ
BERG, ALEXANDER C. AYALA,
FROILAN SANTIAGO, KARL
ROBBINS, CRYSTAL JACKS, COREY
KROES, RICK BUNGERT, LUKE LEE,
JACOB IVY, SHANNON D. JONES,
RICHARD MENZEL, EDWARD A.
FLYNN, ROMAN GALAVIZ, VICTOR
E. BEECHER, CITY OF MILWAUKEE,
MILWAUKEE COUNTY, ABC
INSURANCE COMPANY, and
WISCONSIN COUNTY MUTUAL
INSURANCE CORPORATION,

Defendants.

ORDER

This case, originally assigned to the late Judge Rudolph T. Randa, was reassigned to this branch of the Court in August 2016. Prior to reassignment, on May 6, 2016, Judge Randa issued a decision and order

granting summary judgment in favor of all Defendants and granting a motion for sanctions against Plaintiffs' counsel filed by the group of Defendants including Milwaukee County and those employed by it (collectively, the "County Defendants"). (Docket #143). Plaintiffs filed their notice of appeal shortly thereafter on May 13, 2016. (Docket #147). On May 25, 2016, the group of Defendants including the City of Milwaukee and those employed by it (collectively, the "City Defendants") filed a motion for sanctions against Plaintiffs' counsel. (Docket #160). Judge Randa did not rule on the City Defendants' motion for sanctions, and it therefore remains pending.

On September 18, 2017, the Seventh Circuit Court of Appeals issued its opinion, affirming in part and reversing in part the district court's grant of summary judgment to Defendants. *See* (Docket #200). The Court of Appeals also vacated the district court's award of sanctions to the County Defendants and remanded that issue for reconsideration in light of the Court of Appeals' opinion. *Id.* at 39-41.

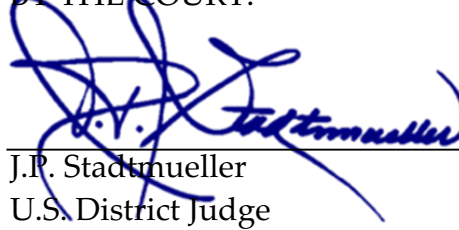
As this Court noted at the November 2, 2017 status conference, *see* (Docket #207), the issue of sanctions will be resolved at the conclusion of this case. That is true for both the County Defendants' motion, which the Court of Appeals remanded to this Court for reconsideration, and the City Defendants' motion, on which the district court did not rule before Plaintiffs' appeal. The City Defendants' motion will be denied without prejudice; those Defendants are free to refile such a motion at the close of this case.

Accordingly,

IT IS ORDERED that the City Defendants' motion for sanctions, (Docket #160), be and the same is hereby **DENIED without prejudice**.

Dated at Milwaukee, Wisconsin, this 17th day of November, 2017.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized with loops and flourishes.

J.P. Stadtmueller
U.S. District Judge